

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 641*

House Bill No. 906

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. This act shall be known and may be cited as the "Prevention of Youth Access to Electronic Pagers Act of 1996".

Section 2. The purpose of this act is to reduce the access of persons under eighteen (18) years of age to electronic pagers by creating prohibitions against the sale and distribution of electronic pagers to such persons, prohibiting the purchase, receipt or possession of electronic pagers by such persons and restricting the distribution and sale of electronic pagers other than in conformity with this act. It is the intent of the general assembly to:

(1) protect the interest of parents in rearing their children by requiring parental involvement in the process of obtaining electronic pagers; and

(2) protect the well-being and welfare of youth from the use, sale and propagation of illegal drugs by regulating their access to electronic pagers.

Section 3. As used in this act, unless the context otherwise requires:

(1) "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association;

(2) "Proof of age" means a driver license or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older, contains a photograph or other likeness of the individual, and appears on its face to be valid.

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Section 4.

(a) No person shall sell or distribute any electronic pager to another person who has not attained eighteen (18) years of age or purchase an electronic pager on behalf of any such person except as otherwise provided in this section.

(b) No person other than a parent or guardian shall persuade, entice, send or assist a person who has not attained eighteen (18) years of age to purchase, acquire, receive or attempt to purchase, acquire or receive an electronic pager. This section shall not be deemed to preclude law enforcement efforts involving the use of individuals under eighteen (18) years of age if a parent of the individual has consented to this action.

(c) An electronic pager may be sold or distributed to a person under eighteen (18) years of age if the parent or guardian consents to such sale or distribution. Such consent shall be in writing and the parent or guardian must provide such written consent in person to the seller or distributor and provide reasonable proof that such person is the parent or guardian of such person.

(d) Any person who is under eighteen (18) years of age and who has parental consent to possess an electronic pager shall, at any time such device is carried by such person, also carry a copy of the parent's or guardian's written consent to the sale or distribution of the electronic pager.

(e) A person engaged in the sale or distribution of electronic pagers shall demand proof of age from a prospective purchaser or recipient.

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(f) Any lease or service contract for the operation or maintenance of an electronic pager which requires renewal after the effective date of this act shall require the signature of the parent or guardian if the person seeking to renew their contract is under eighteen (18) years of age.

(g) If the owner or proprietor of a store at which electronic pagers are sold at retail knowingly permits an employee to violate the provisions of the section, then such owner or proprietor shall be in violation of the provisions of this section.

Section 5.

(a) A person who has not attained eighteen (18) years of age shall not purchase, possess or accept receipt of an electronic pager except as provided in Section 4, or present or offer to any person any purported proof of age which is false, fraudulent, or not actually that person's own for the purpose of purchasing or receiving an electronic pager.

(b) No person shall provide false information of a material nature on either the parental or guardianship status of the person filling out a contract to purchase an electronic pager.

Section 6. On and after July 1, 1996, every person who sells electronic pagers at retail shall post conspicuously, near each point of sale, and keep so posted at the place of business, a sign no smaller than ninety-three and one-half (93 1/2) square inches stating the following:

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STATE LAW PROHIBITS THE SALE OR LEASE OF ELECTRONIC
PAGERS TO PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS.
PROOF OF AGE IS REQUIRED TO PURCHASE AN ELECTRONIC PAGER.

Section 7.

(a) The commissioner of department of commerce and insurance shall impose civil penalties for violations of the provisions of this act.

(b)(1) Any violation of the provisions of this act by a person eighteen (18) years of age or older shall be punished by a civil penalty of one thousand dollars (\$1,000).

(2) The third or fourth violation of the provisions of this act by a person eighteen (18) years of age or older shall be punished by a civil penalty of ten thousand dollars (\$10,000).

(3) The fifth or subsequent violation of the provisions of this act by a person eighteen (18) years of age or older shall be punished by a civil penalty of twenty-five thousand dollars (\$25,000).

(4) Any violation of the provisions of this act relative to possession of an electronic pager or attempting to obtain an electronic pager by a person who is less than eighteen (18) years of age shall be punished by a civil penalty of five hundred dollars (\$500) on the parent or guardian of such person.

Section 8. The provisions of this act shall only apply in counties having a population in excess of one hundred forty thousand (140,000) and in counties having a population of not less than seventy-seven thousand eight hundred (77,800) nor more

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than seventy-eight thousand (78,000) according to the 1990 federal census of population or any subsequent federal census.

Section 9. This act shall take effect July 1, 1996, the public welfare requiring it.